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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/241,834	02/01/1999	VAUGHN S. IVERSON	42390.P4114	9209

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EXAMINER

LEE, JOHN J

ART UNIT	PAPER NUMBER
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2684

DATE MAILED: 12/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/241,834	IVERSON, VAUGHN S.	
	<b>Examiner</b>	<b>Art Unit</b>	
	JOHN J LEE	2684	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 12 August 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,3-11 and 13-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10,11 and 13-19 is/are allowed.
- 6) ☒ Claim(s) 1,8 and 9 is/are rejected.
- 7) ☒ Claim(s) 3-7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Applicant's arguments with respect to claims 1, 3-11, and 13-19 have been considered but are moot in view of the new ground(s) of rejection.

#### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1, 8, and 9** are rejected under 35 U.S.C. 102(e) as being anticipated by Kemink et al. (US Patent number 6,563,430).

Regarding **claim 1**, Kemink discloses that an electronic appliance implemented method (Fig. 1, 2 and column 1, lines 66 – column 2, lines 35). Kemink teaches that ascertaining a current location/location type of the electronic appliance (Fig. 2, 4 and column 9, lines 12 – column 10, lines 3, where teaches determined information is stored, using the location identifier as locator for appliances information, thereby allowing for a rapid retrieval of the information appropriate to a determined location based upon a receipt of the location parameter from control device). Kemink teaches that identifying an appliance personality (television, computers, music system see Fig. 2) from a plurality of available personalities based, at least in part, on the ascertained current location/location type of the electronic appliance (Fig. 2, 3 and column 3, lines 31 – column 4, lines 56, where teaches providing information regarding electronic appliances based on the

determining current location of the electronic appliance). Kemink teaches that provisioning the identified appliance personality (television, computers, music system see Fig. 2) on the electronic appliance (Fig. 9) but allowing access (Fig. 8D) to all appliance personalities (any kind of electronic appliances) in any location (home, office, garage in the house) (Fig. 2, 3 and column 3, lines 31 – column 4, lines 56, where teaches identifying the any kind of electronic appliances and can access to all appliance to control them in any location, home, office, garage in the house). Kemink teaches that selecting and providing a user interface (selecting the location with providing user interface see Fig. 2) and an application set from a plurality of available user interfaces (receiving information and parameters from the plurality of user interface) and application sets to reflect the identified appliance personality (Fig. 2, 4 and column 5, lines 16 – column 6, lines 55, where teaches responding from received the information and identifying the appliance personality and applying to the appliance).

Regarding **claim 8**, Kemink discloses that the plurality of appliance personalities is pre programmed in the appliance and reside in an interface database (Fig. 2, 3 and column 5, lines 28 – column 6, lines 25).

Regarding **claim 9**, Kemink teaches that the plurality of appliance personalities are stored in one or more memory cards are removably coupled to the electronic appliance” (column 7, lines 50 – column 8, lines 6 and Fig. 3).

*Allowable Subject Matter*

4. Claims 10, 11, and 13-19 are allowed.

Claims 10, 11, and 13-19 are allowable over the prior art of record because a search does not detect the combined claimed elements as set forth in the claims 10, 11, and 13-19.

As recited in independent claims 10 and 19, none of the prior art of record teaches or fairly suggests that an electronic appliance comprises a processor to determine a location of the electronic appliance from the received signals, a storage medium having stored therein a plurality of processor executable instructions for selectively implementing a plurality of appliance personalities for the electronic appliance, wherein an appropriate appliance personality is selected and provisioned by the processor based, on the determined location of the electronic appliance, but access to all appliance personalities in any location is allowed, and having stored therein a plurality of instructions for a plurality of user interfaces and application sets which are selectively executed by the processor to provision appliance personalities, and together with combination of other element as set forth in the claims 10, 11, and 13-19. Therefore, claims 10, 11, and 13-19 are allowable over the prior art of records.

5. Claims 3 – 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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The prior art of record fails to disclose the limitation "receiving one or more signals containing information from a corresponding one or more sources and extracting information embedded within the received one or more signals, and determining the current location/location type of the electronic appliance from the information associated with the received one or more signals" as specified in the claims.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Balma et al. (US Patent number 6,157,945) discloses Digital Communication Device and Method Including a Routing Function.

Feinleib et al. (US Patent number 6,346,891) discloses Remote Control System with Handling Sensor in Remote Control Device.

Oba et al. (US Patent number 6,832,083) discloses Multiuser Communications Device.

Information regarding...Patent Application Information Retrieval (PAIR) system... at 866-217-9197 (toll-free)."

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Art Unit: 2684

Or:

(703) 308-6606 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal  
Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the  
examiner should be directed to **John J. Lee** whose telephone number is **(703) 306-5936**.  
He can normally be reached Monday-Thursday and alternate Fridays from 8:30am-5:00  
pm. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, **Nay  
Aung Maung**, can be reached on **(703) 308-7745**. Any inquiry of a general nature or  
relating to the status of this application should be directed to the Group receptionist  
whose telephone number is (703) 305-4700.

J.L  
December 22, 2004

John J Lee

  
**NAY MAUNG**  
**SUPERVISORY PATENT EXAMINER**